

# **EXHIBIT A**

Approved, SCAO

Original - Court  
1st copy - Defendant2nd copy - Plaintiff  
3rd copy - Return

STATE OF MICHIGAN

JUDICIAL DISTRICT

16TH JUDICIAL CIRCUIT

COUNTY PROBATE

SUMMONS

CASE NO.

2021-001383-NO

Court address

40 North Main St., Mt. Clemens, MI 48043

Court telephone no.

Plaintiff's name(s), address(es), and telephone no(s).

DONNA MARTIN

Defendant's name(s), address(es), and telephone no(s).

MENARDS LLC, A Limited  
Liability Company,

Plaintiff's attorney, bar no., address, and telephone no.

JOHN SCOTT BUELL (P79956)

MINDELL LAW

32500 Telegraph Road, Ste. 104

Bingham Farms, MI 48025

(248) 353-5595; FAX: 948-6677

Instructions: Check the information below that applies to your case and provide the required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

**Domestic Relations Case**

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

**Civil Case**

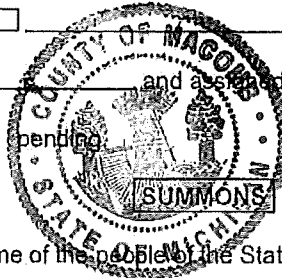
- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ \_\_\_\_\_ Court, where

it was given case number \_\_\_\_\_ and assigned to Judge \_\_\_\_\_.

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party or **take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date

APR 16 2021 - JUL 16 2021

Expiration date

Court clerk

\*This summons is invalid unless served on or before its expiration date. This document must be sealed by the court clerk.

**SUMMONS**

Case No. \_\_\_\_\_

**PROOF OF SERVICE**

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

**CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE**☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

- ☐ I served personally a copy of the summons and complaint,  
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with \_\_\_\_\_

List all documents served with the summons and complaint

\_\_\_\_\_ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- ☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Signature \_\_\_\_\_

Name (type or print) \_\_\_\_\_

Title \_\_\_\_\_

Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_ County, Michigan.  
 Date

My commission expires: \_\_\_\_\_ Signature: \_\_\_\_\_  
 Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of the summons and complaint, together with \_\_\_\_\_ Attachments

\_\_\_\_\_ on  
 Day, date, time

\_\_\_\_\_ on behalf of \_\_\_\_\_

Signature

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

DONNA MARTIN,

Plaintiff,

Vs.

MENARDS LLC, A Limited  
Liability Company,

Defendant.

Case No: NO  
HON.

**JAMES M. BIERNAT, JR.**

JOHN SCOTT BUELL (P79956)  
MINDELL LAW  
Attorney for Plaintiff  
32500 Telegraph Road, Ste. 104  
Bingham Farms, MI 48025  
(248) 353-5595; FAX: 948-6677  
[jbuell@mindellfirm.com](mailto:jbuell@mindellfirm.com);  
[tjacques@mindellfirm.com](mailto:tjacques@mindellfirm.com)

**RECEIVED**  
APR 16 2021  
ANTHONY G. FORLINI  
Macomb County Clerk

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this complaint, pending in this court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge.

**COMPLAINT**

NOW COMES the Plaintiff, DONNA MARTIN, by and through her attorneys, MINDELL LAW, and for her Complaint against the Defendant states as follows:

1. That the Plaintiff, Donna Martin, is a resident of the City of Algonac, County of St. Clair, State of Michigan.
2. That the Defendant, Menards LLC, is a Michigan Limited Liability Company authorized and conducting business in the business within the County of Macomb, State of Michigan.
3. That the amount in controversy exceeds the sum of Twenty-Five Thousand (\$25,000.00) Dollars, and is therefore within the jurisdiction of this Court.

**MINDELL / LAW**  
attorneys & counselors

4. That on or about September 23, 2019, Plaintiff, Donna Martin, was an invitee upon the premises located at 45500 Marketplace Blvd, in the City of New Baltimore, County of Macomb, State of Michigan, involving all parties to this action.

**NEGLIGENCE/PREMISES LIABILITY**

5. That on the above date, while Plaintiff was an invitee upon the premises of the Defendant, Menards LLC. While looking at the countertops that were leaned up against the wall, a quartz countertop fell out of the unsecured box which struck her shin and foot, causing Plaintiff to sustain serious injuries as set forth below.

6. That the Defendant owed to the Plaintiff certain duties and obligations of care which Defendant violated and that violation of these duties and obligations consisted of, but were not limited to, the following:

- a. Failing to inspect the premises and thereupon remove the dangerous conditions;
- b. Failing to warn members of the public including the Plaintiff with signs or other effective means of such dangerous conditions;
- c. Failing to adequately supervise employees delegating responsibility of keeping the premises reasonable safe and fit;
- d. Failing to exercise reasonable care in hiring personnel whose duties include maintaining the premises in a reasonably safe condition;
- e. Failing to use ordinary care for the Plaintiff's safety;
- f. Failing to exercise reasonable care for Plaintiff's safety in the circumstances.
- g. Negligently, carelessly and recklessly failing to keep said premises and all common areas therein fit for the foreseeable uses;
- h. Negligently, carelessly and recklessly failing to use reasonable care to protect the Plaintiff from and against the hazards arising from the defective and/or structurally unsound floor; and
- i. Negligently, carelessly and recklessly being guilty of other acts of negligence, not yet known, which will be ascertained during discovery.

7. That as a direct and proximate result of the Defendant's negligence, Plaintiff sustained injuries to her right leg, left leg, left foot, right foot, as well as injuries generally throughout her body and aggravation of preexisting conditions, whether known or unknown at this time. She has permanent scarring on her leg as a result of this incident.

8. That as a further direct and proximate result of the negligence of the Defendant, the Plaintiff will suffer present and future pain and suffering, mental anguish, loss of enjoyment of life, loss of earnings and/or earning capacity, loss of function, all of which are permanent in nature.

9. That as a further direct and proximate result of the negligence of the Defendant, the Plaintiff has incurred and will incur in the future extensive medical, surgery, hospital and doctor bills.

WHEREFORE, your Plaintiff, DONNA MARTIN, prays that this Honorable Court enter a judgment in her favor and against the Defendant in whatever amount to which she is found to be entitled, together with costs, interest and attorney fees.

MINDELL LAW,

By: 

JOHN SCOTT BUELL (P79956)

Attorney for Plaintiff

32500 Telegraph Road, Ste. 104

Bingham Farms, MI 48025

(248) 353-5595

[Jbuell@mindellfirm.com](mailto:Jbuell@mindellfirm.com)

Date: 4/14/2021

MINDELL / LAW  
attorneys & counselors

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

DONNA MARTIN,

Plaintiff,

Vs.

MENARDS LLC, A Limited  
Liability Company,

Defendant.

Case No: **2021-001383-N0**  
HON. **JAMES M. BIERNAT, JR.**

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Macomb County Clerk

DEMAND FOR JURY TRIAL

NOW COMES the Plaintiff, DONNA MARTIN, by and through her attorneys, MINDELL  
LAW, and hereby demands a trial by jury in the above-referenced matter.

MINDELL LAW

By: 

JOHN SCOTT BUELL (P79956)  
Attorney for Plaintiff  
32500 Telegraph Road, Ste. 104  
Bingham Farms, MI 48025  
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[Jbuell@mindellfirm.com](mailto:Jbuell@mindellfirm.com)

Date: 4/14/2021

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attorneys & counselors